

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JAMES F. GRAHAM, JR.

v.

MICHAEL J. ASTRUE,
Commissioner of the Social Security
Administration

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CIVIL ACTION
NO. 10-1100

ORDER

AND NOW, this 7th day of September 2011, after careful review and independent consideration of Plaintiff's request for review, Defendant's response, and the Report and Recommendation of United States Magistrate Judge Arnold C. Rapoport, to which no objections have been filed, it is hereby **ORDERED** that:

1. The Clerk of Court is directed to remove this action from the suspense docket and return it to the active docket;
2. The Report and Recommendation is **APPROVED** and **ADOPTED**;
3. Plaintiff's request for reversal is **GRANTED**; and
4. The case is **REMANDED** to the Commissioner for further review consistent with the Report and Recommendation.¹

It is so **ORDERED**.

BY THE COURT:

/s/ Cynthia M. Rufe

CYNTHIA M. RUFÉ, J.

¹ The Magistrate Judge correctly concluded that the Administrative Law Judge ("ALJ") failed to accord significant weight to the opinions of three treating physicians. Morales v. Apfel, 225 F.3d 310, 317 (3d Cir. 2000). The ALJ found that Plaintiff has severe spine, shoulder, and hip impairments, and that he is unable to perform his past medium and heavy unskilled work, but determined that Plaintiff could perform sedentary work, summarily dismissing the opinions of the treating physicians that Plaintiff has significant limitations even with regard to sedentary work. Although the ALJ found that "objective medical test procedures establish the existence of the claimant's impairments," R. 20, he concluded that the physicians "appear to have based their assessments primarily upon the claimant's assertions and complaints." R. 21. This conclusion appears to be based on selected notes from the more than 100 pages of medical records. Remand is appropriate for the ALJ to consider the entire record.